

REMARKS

Remarks

This is a response to the Office Action dated March 16, 2005. Claims 15-31 and 33-36 are pending in the application. Claims 15-20, 22-28, and 30-36 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Pat. No. 4,151,920 ("Shoup"). Claims 21 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoup in view of U.S. patent No. 4,514,007 ("Macht"). These objections are believed to be overcome in view of the amendments made to claims 15-31 and 33-36.

The rejections from the Office Action dated March 16, 2005 are discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

Claim Objections

Claim 19 was objected to because of informalities. Claim 19 has been revised to correct the informalities. Accordingly, Applicants request that the Examiner withdraw these objections.

Rejections Under 35 U.S.C. § 102(b)

Independent Claims 15, 25, and 30

Independent claims 15, 25 and 30 were rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by Shoup. Independent claim 15, as amended, relates to a frame assembly for a loader machine having a modular undercarriage. Independent claim 25, as amended, relates to a loader machine comprising an undercarriage and a main frame assembly. Independent claim 30, as amended, relates to a frame assembly for a loader machine having an undercarriage where the frame assembly comprises a main frame assembly.

According to the Examiner, Shoup teaches a main frame assembly with a recessed channel having a defined surface and extending across the width of the base portion for seating the defined surface upon the at least one crossmember because the recessed channel (56) of the main frame assembly is seated upon the side surface of the cross-member

(60) via the connection to the pivot joint (58). While the Applicants respectfully disagree with the Examiner's construction of Shoup teaching a defined surface of the recessed channel for seating upon the crossmember, the Applicants have amended claims 15, 25, and 30 to clarify the term *defined surface*. The defined surface of the recessed channel of claims 15, 25, and 30 is now seated upon the "top surface" of the at least one crossmember.

While Shoup does disclose a recessed channel (saddle 56) and a crossmember (equalizer bar 60), Shoup does not teach or suggest a defined surface of the recessed channel seated upon a top surface of the crossmember. Shoup discloses that the equalizer bar (60) is pivotally mounted to the saddle (56) at pivot joint (58), along the side surface of the saddle (56). (Col. 3, ll. 12-21). This horizontal pivot joint allows the equalizer bar to oscillate up and down within the saddle (Col. 3, ll. 21-24), and, therefore, restricts any surface of the equalizer bar from being seated upon a top surface of the saddle. As a result, Shoup cannot teach the defined surface of the recessed channel seated upon a top surface of the crossmember.

In addition, claim 15 further adds the limitation that the undercarriage is modular, such that the ends of the crossmember are attached to ground engaging members. It would not be possible to seat a frame assembly having saddle 56 upon a modular undercarriage with equalizer bar 60 connecting tracked assemblies due to the bottom portion of the openings 50 in Shoup. (See Fig. 1; Col. 3, ll. 12-21).

Because Shoup does not teach or suggest a defined surface of the recessed channel seated upon a top surface of the crossmember of the undercarriage, Applicants respectfully submit that Shoup does not anticipate the present invention.

Accordingly, Applicants request that the Examiner withdraw this rejection of independent claims 15, 25, and 30.

Dependent Claims 16-20, 22-24, 26-28, 31, and 33-36

Dependent claims 16-20, 22-24, 26-28, 31, and 33-36 were also rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by Shoup. The dependent claims should be allowed for the reasons set out above for claims 15, 25, and 30, the claims from which they depend. Applicants therefore request that the Examiner withdraw this rejection of these claims.

Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 21 and 29 under the obviousness provisions of 35 U.S.C. § 103(a) as allegedly being unpatentable over Shoup in view of Macht. Claims 21 and 29 should be allowed for the reasons discussed above for claims 15 and 25, the claims from which they depend. Further, Applicants submit that claims 21 and 29 are not obvious in view of the combination of Shoup and Macht as these references, alone or in combination, fail to disclose all of the elements of Applicants' claims.

Shoup is discussed in detail above. Macht discloses "a unitary frame" that "utilizes relatively fewer structural member arranged and interconnected to facilitate fabrication and interchangeability." (See Col. 1, ll. 6-11). Macht does not teach or suggest a defined surface of the recessed channel seated upon a top surface of the crossmember. The unitary frame (12) disclosed in Macht eliminates any need for a frame assembly to be seated upon an undercarriage – it is all one piece. In addition, the unitary frame in Macht cannot teach a modular undercarriage design as claimed in claim 15.

For at least these reasons, claims 21 and 29 are not obvious in view of Shoup and Macht, alone or in combination. Accordingly, Applicant requests that the Examiner withdraw this rejection of claims 21 and 29.

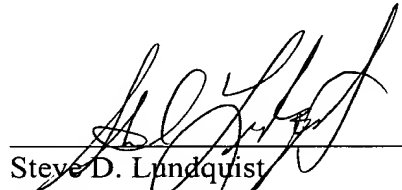
New Claims

With this response, new claims 37-41 have been added. Support for these claims may be found in the specification. No new matter has been added. New claims 37-41 should be allowed over the cited references for the same reasons as discussed above. Accordingly, Applicants request that the Examiner allow new claims 37-41.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. The Examiner is courteously invited to telephone the undersigned representative if it is believed that an interview might be useful for any reason. In the event that the Examiner is not persuaded by Applicants' arguments, it is respectfully requested that the Examiner enter the Amendment for purposes of Appeal.

Respectfully submitted,



Steve D. Lundquist
Registration No. 42,816
Caterpillar Inc.

Telephone: (309) 675-4460
Facsimile: (309) 675-1236